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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/676,180

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Brian James DeHamer

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2142

NOTIFICATION DATE

DELIVERY MODE

04/11/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/676,180	Applicant(s) DEHAMER ET AL.	
	Examiner DOUGLAS B. BLAIR	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

The restriction requirement mailed on 12/12/2007 has been withdrawn in view of the newly published U.S. Patent Number 7,254,634 to Davis et al. Since Davis is found to anticipate all of the claims, the Examiner will now agree that no burden is placed on the examination of this application. The applicant's arguments submitted on 1/14/2007 were not persuasive because they only made conclusory statements that the claims overlapped in scope without specifically explaining why the claims overlapped in scope.

Response to Arguments

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The machine readable medium of claims 17-19 is not supported by the applicant's specification, even when considering the amendment to the specification submitted on 9/27/2007. The amendment to the specification still does not describe what a computer readable medium comprises nor is it apparent from the applicant's specification as to what elements the claimed computer readable medium is supposed to be directed towards.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7 and 14-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-7 and 14-16 are directed towards software per se. Claim 1-6 are directed towards a system comprising only two software elements: a controller generator and a cookie manager. Claim 7 adds two more software elements to the system of claim 1: a model and a view. Claims 14-16 are directed towards a system comprised of means for performing functions. Since the applicant's specification does not explicitly teach any hardware means for performing these functions so they can only be interpreted as software. There does not appear to be any hardware referenced in the applicant's specification at all.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 7,254,634 to Davis et al.

As to claim 1, Davis teaches a system comprising: a controller generator that is configured to provide an application with a controller that receives requests for data from users and responds to the requests by obtaining requested data comprising a cookie (col. 11, line 52-col. 12 line 4); and a cookie manager that is configured to prevent conflicting cookie values associated with the cookie by evaluating a plurality of cookie values associated with multiple actions invoking the cookie and selecting an appropriate one of the plurality of cookie values (col. 8, line 31-col. 9, line 34).

As to claim 2, Davis teaches the system set forth in claim 1, wherein the controller is configured to instantiate the cookie manager before processing a user request (col. 8, lines 64-67).

As to claim 3, Davis teaches the system set forth in claim 1, wherein the cookie manager is configured to add a cookie value for the particular cookie associated with a first action of the multiple actions (col. 8, line 31-col. 9, line 34).

As to claim 4, Davis teaches the system set forth in claim 3, wherein the cookie manager is configured to update the cookie value for a second action of the multiple actions (col. 8, line 31-col. 9, line 34).

As to claim 5, Davis teaches the system set forth in claim 1, wherein the cookie manager is configured to maintain a most recent value of multiple cookie values provided by the multiple actions for the particular cookie (col. 8, line 31-col. 9, line 34).

As to claim 6, Davis teaches the system set forth in claim 1, wherein the cookie manager is configured to defer creation of a set cookie header until the controller is ready to commit a response for a user request (col. 12, lines 5-29).

As to claim 7, Davis teaches the system set forth in claim 1, comprising a model and a view separate from one another and separate from the controller, wherein the model provides an application state for the application and the view provides a view presentation for the application (col. 8, lines 31-col. 9, line 34).

As to claim 8, Davis teaches a method comprising: creating, with a processor-based device, a controller that receives requests for data from users and responds to the requests by obtaining requested data (col. 11, line 52-col. 12 line 4); and providing a cookie manager that stores a plurality of cookie values associated with a cookie invoked by actions and that selects one of the plurality of cookie values based on the requests for data.

As to claim 9, Davis teaches the method set forth in claim 8, wherein providing the cookie manager comprises creating the cookie manager upon receipt of a user request by the controller (col. 11, line 52-col. 12 line 4).

As to claim 10, Davis teaches the method set forth in claim 9, wherein creating comprises maintaining a queue of cookies for a particular session of processing the user request (col. 11, line 52-col. 12 line 4).

As to claim 11, Davis teaches the method set forth in claim 10, wherein maintaining comprises replacing a previous cookie value associated with a previous action with the most recent cookie value associated with a most recent action (col. 8, line 31-col. 9, line 34).

As to claims 12, Davis teaches the method set forth in claim 8, wherein providing the cookie manager comprises providing add cookie logic to cache a new cookie value for the particular cookie (col. 8, line 31-col. 9, line 34).

As to claim 13, Davis method set forth in claim 8, wherein providing the cookie manager comprises providing commit cookie logic to commit the most recent cookie value for a response to a user request (col. 8, line 31-col. 9, line 34).

As to claim 14, Davis teaches a system comprising: means for creating a controller that provides control functions for an application, wherein the controller is configured to receive requests for data from users and respond to the requests by obtaining requested data (col. 11, line 52-col. 12 line 4); and means for managing multiple cookie actions to maintain a current value of a particular cookie by evaluating a plurality of cookie values associated with the particular cookie and selecting an appropriate one of the plurality of cookie values (col. 8, line 31-col. 9, line 34).

As to claim 15, Davis teaches the system set forth in claim 14, wherein the means for managing comprises means for caching a cookie value for the particular cookie for the response to the user request (col. 11, line 52-col. 12 line 4).

As to claim 16, Davis teaches the system set forth in claim 14, wherein the means for managing comprises means for committing the current value of the particular cookie for the response to the user request (col. 8, line 31-col. 9, line 34).

As to claim 17, Davis teaches a machine readable medium having a program for creating applications, comprising: a cookie manager stored on the machine readable medium and

configured to provide a desired cookie value for a response to a user request, wherein the desired cookie value is one cookie value selected from multiple cookie values set by different actions for a particular cookie (col. 8, line 31-col. 9, line 34).

As to claim 18, Davis teaches the machine readable medium having the program set forth in claim 17, comprising controller logic stored on the machine readable medium and configured to receive requests for data from users and respond to the requests by obtaining requested data including data associated with the desired cookie value for the particular cookie (col. 8, line 31-col. 9, line 34).

As to claim 19, Davis teaches the machine readable medium having the program set forth in claim 17, comprising action classes stored on the machine readable medium and configured to perform the different actions for processing the user request (col. 8, line 31-col. 9, line 34).

As to claim 20, Davis teaches the machine readable medium having the program set forth in claim 17, wherein the cookie manager comprises add cookie logic to cache a new cookie value for the particular cookie (col. 8, line 31-col. 9, line 34).

As to claim 21, Davis teaches the machine readable medium having the program set forth in claim 20, wherein cookie manager comprises commit cookie logic to commit the desired cookie value in a portion of the request (col. 8, line 31-col. 9, line 34).

As to claim 22, Davis teaches the method of claim 8, comprising preventing conflicting cookies by providing to the controller only the selected cookie value (col. 8, line 31-col. 9, line 34).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Patent Examiner, Art Unit 2142